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RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) / PRIVACY ACT (PA) REQUEST

1999-230

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RESPONSE TYPE FINAL PARTIAL

REQUESTER

Mr. R. Timothy Weston

DATE

NOV 15 1999

PART I. -- INFORMATION RELEASED

- No additional agency records subject to the request have been located.
- Requested records are available through another public distribution program. See Comments section.
- APPENDICES A** Agency records subject to the request that are identified in the listed appendices are already available for public inspection and copying at the NRC Public Document Room.
- APPENDICES B** Agency records subject to the request that are identified in the listed appendices are being made available for public inspection and copying at the NRC Public Document Room.
- Enclosed is information on how you may obtain access to and the charges for copying records located at the NRC Public Document Room, 2120 L Street, NW, Washington, DC.
- APPENDICES B** Agency records subject to the request are enclosed.
- Records subject to the request that contain information originated by or of interest to another Federal agency have been referred to that agency (see comments section) for a disclosure determination and direct response to you.
- We are continuing to process your request.
- See Comments.

PART I.A -- FEES

- AMOUNT * You will be billed by NRC for the amount listed. None. Minimum fee threshold not met.
 - \$ You will receive a refund for the amount listed. Fees waived.
- * See comments for details

PART I.B -- INFORMATION NOT LOCATED OR WITHHELD FROM DISCLOSURE

- No agency records subject to the request have been located.
- Certain information in the requested records is being withheld from disclosure pursuant to the exemptions described in and for the reasons stated in Part II.
- This determination may be appealed within 30 days by writing to the FOIA/PA Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Clearly state on the envelope and in the letter that it is a "FOIA/PA Appeal."

PART I.C COMMENTS (Use attached Comments continuation page if required)

Two records have been referred to the Environmental Protection Agency for review and direct response to you.

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Carol Ann Reed *Carol Ann Reed*

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RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) / PRIVACY ACT (PA) REQUEST

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PART II.A -- APPLICABLE EXEMPTIONS

APPENDICES
C

Records subject to the request that are described in the enclosed Appendices are being withheld in their entirety or in part under the Exemption No.(s) of the PA and/or the FOIA as indicated below (5 U.S.C. 552a and/or 5 U.S.C. 552(b)).

- Exemption 1: The withheld information is properly classified pursuant to Executive Order 12958.
- Exemption 2: The withheld information relates solely to the internal personnel rules and procedures of NRC.
- Exemption 3: The withheld information is specifically exempted from public disclosure by statute indicated.
 - Sections 141-145 of the Atomic Energy Act, which prohibits the disclosure of Restricted Data or Formerly Restricted Data (42 U.S.C. 2161-2165).
 - Section 147 of the Atomic Energy Act, which prohibits the disclosure of Unclassified Safeguards Information (42 U.S.C. 2167).
 - 41 U.S.C., Section 253(b), subsection (m)(1), prohibits the disclosure of contractor proposals in the possession and control of an executive agency to any person under section 552 of Title 5, U.S.C. (the FOIA), except when incorporated into the contract between the agency and the submitter of the proposal.
- Exemption 4: The withheld information is a trade secret or commercial or financial information that is being withheld for the reason(s) indicated.
 - The information is considered to be confidential business (proprietary) information.
 - The information is considered to be proprietary because it concerns a licensee's or applicant's physical protection or material control and accounting program for special nuclear material pursuant to 10 CFR 2.790(d)(1).
 - The information was submitted by a foreign source and received in confidence pursuant to 10 CFR 2.790(d)(2).
- Exemption 5: The withheld information consists of interagency or intraagency records that are not available through discovery during litigation. Applicable privileges:
 - Deliberative process: Disclosure of predecisional information would tend to inhibit the open and frank exchange of ideas essential to the deliberative process. Where records are withheld in their entirety, the facts are inextricably intertwined with the predecisional information. There also are no reasonably segregable factual portions because the release of the facts would permit an indirect inquiry into the predecisional process of the agency.
 - Attorney work-product privilege. (Documents prepared by an attorney in contemplation of litigation)
 - Attorney-client privilege. (Confidential communications between an attorney and his/her client)
- Exemption 6: The withheld information is exempted from public disclosure because its disclosure would result in a clearly unwarranted invasion of personal privacy.
- Exemption 7: The withheld information consists of records compiled for law enforcement purposes and is being withheld for the reason(s) indicated.
 - (A) Disclosure could reasonably be expected to interfere with an enforcement proceeding (e.g., it would reveal the scope, direction, and focus of enforcement efforts, and thus could possibly allow recipients to take action to shield potential wrongdoing or a violation of NRC requirements from investigators).
 - (C) Disclosure would constitute an unwarranted invasion of personal privacy.
 - (D) The information consists of names of individuals and other information the disclosure of which could reasonably be expected to reveal identities of confidential sources.
 - (E) Disclosure would reveal techniques and procedures for law enforcement investigations or prosecutions, or guidelines that could reasonably be expected to risk circumvention of the law.
 - (F) Disclosure could reasonably be expected to endanger the life or physical safety of an individual.
- OTHER (Specify)

PART II.B -- DENYING OFFICIALS

Pursuant to 10 CFR 9.25(g), 9.25(h), and/or 9.65(b) of the U.S. Nuclear Regulatory Commission regulations, it has been determined that the information withheld is exempt from production or disclosure, and that its production or disclosure is contrary to the public interest. The person responsible for the denial are those officials identified below as denying officials and the FOIA/PA Officer for any denials that may be appealed to the Executive Director for Operations (EDO).

DENYING OFFICIAL	TITLE/OFFICE	RECORDS DENIED	APPELLATE OFFICIAL		
			EDO	SECY	IG
William Kane	Director, Office of Nuclear Materials Safety and Safeguards	Appendix C			<input checked="" type="checkbox"/>

Appeal must be made in writing within 30 days of receipt of this response. Appeals should be mailed to the FOIA/Privacy Act Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, for action by the appropriate appellate official(s). You should clearly state on the envelope and letter that it is a "FOIA/PA Appeal."

Re: FOIA/PA-99-230

APPENDIX A
RECORDS ALREADY AVAILABLE IN THE PDR

Re: FOIA/PA-99-230

**APPENDIX A
RECORDS ALREADY AVAILABLE IN THE PDR**

APPENDIX B
RECORDS BEING RELEASED IN THEIR ENTIRETY

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	12/26/68	Draft Appendix A to Amend SG-1 to License SNM-145 (2 pages)
2.	12/23/71	Ltr to Nuclear Mats & Equipment Corp. from DNussbaumer re: issuance of Amends 70, 64 & 7 to Licenses SNM-414, SNM-145, & SMB-502 (2 pages)
3.	03/21/74	Ltr to DFetterman from HVavithes re: needs help in what courses of action are available for Kiski Treatment Plant to accept industrial waste from Apollo (2 pages)
4.	06/25/74	Ltr to DFetterman from BVondra re: arranging a meeting to discuss course of action for disposal of industrial waste streams (1 page)
5.	07/03/74	Ltr to KVVWPCA from DOrtiz re: Environmental Impact Report filed with Environmental Protection Agency dealing with construction of sewage treatment plant (1 page)
6.	07/11/74	Ltr to BVondra from DFetterman re: KVVWPCA's application form for permit for the discharge of wastes into public sewage systems by an industrial customer (1 page)
7.	07/12/74	Ltr to DOrtiz from ANigra re: response to Ortiz's ltr of 7/3/74 that Environmental Protection Agency did not require KVVWPCA to file an Environmental Impact Report (1 page)
8.	10/18/74	Ro Inspection Report No 70-135/74-14 & 70-364/74-13 (15 pages)
9.	12/19/74	Water Quality Management Permits 0371202-T1 issued to B&W (3 pages)
10.	12/19/74	Water Quality Management Permit 36315-T1 issued to B&W (3 pages)
11.	12/19/74	Water Quality Management Permits 0372205-T1 issued to B&W (5 pages)
12.	06/18/76	Ltr to MVictor from WSherwin re: violation of Pennsylvania Clean Streams Law (4 pages)
13.	08/05/76	Ltr to WSherwin from RWilliams re: status of B&W's study to permit discharge of the laundry wastes from decontamination facility to KVVWPCA (1 page)

APPENDIX B
(continued)
RECORDS BEING RELEASED IN THEIR ENTIRETY

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
14.	08/12/76	Ltr to LRouse from RWilliams re: liquid discharges from decontamination facility license no. 37-07031-01 (2 pages)
15.	08/20/76	Ltr to RWilliams from WSherwin re: acknowledgement of 8/5/76 on B&W's proceedings with NRC licensing for the discharge of radioactive laundry wastes in KVVWPCA sewers (1 page)
16.	08/30/76	Ltr to WCamerton from LToivonen re: that B&W's laundry facility is not connected to the sewer system and that waste is being dumped into the Kiski River (1 page)
17.	09/07/76	Ltr to LToivonen from RWilliams re: liquid discharges from decontamination facility (including laundry) (1 page)
18.	10/06/76	Memo to RBernero from WBurkhardt re: Meeting with B&W - SNM-414 - Safety Review (1 page)
19.	10/07/76	Ltr to WSherwin from RWilliams re: B&W's amendment request to permit discharge of liquid effluents (1 page)
20.	11/10/76	Ltr to JBell from RWilliams re: liquid discharges from decontamination facility license no 37-07031-01 (1 page)
21.	01/03/77	Ltr to WSherwin from RWilliams re: discharge of liquid waste from B&W's decontamination facility to the KVVWPCA (2 pages)
22.	01/25/77	Ltr to B&W from DBrewer re: official authorization for the discharge of sanitary or pretreated industrial wastewater to the systems of Kiski Authority (3 pages)
23.	03/10/77	Ltr to B&W from LToivonen re: actions taken by B&W to tie into the KVVWPCA's facilities (2 pages)
24.	03/22/77	Ltr to DBrewer from RWilliams re: document 3/18/77 telecon with DOrtz that B&W has diverted all liquid wastes from the decontamination facility on Apollo site to main trunk line of B&W's sewage interceptor system (1 page)
25.	03/23/77	Ltr to Dept of Environmental Resources from RWilliams re: cancel Water Quality Management Permit Number 0370201-T1 (1 page)

**APPENDIX B
(continued)
RECORDS BEING RELEASED IN THEIR ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
26.	05/12/77	Ltr to RWilliams from JdeRio re: acknowledging receipt of 3/23/77 ltr to cancel permit to discharge of laundry wastes (1 page)
27.	3/79	Memorandum from N. M. Haller, Director NRC to B. H. Grier, Director Region I (2 pages)
28.	08/28/79	Ltr from Michael A. Austin, Manager B&W to Boyce H. Grier, NRC (3 pages)
29.	12/13/79	Note to MSmith, et al. from JPartlow re: B&W HEU clean-up (1 page)
30.	07/20/81	KVWPCA/B&W-NM&MD Meeting Minutes (1 page)
31.	03/09/82	Ltr to SGiotto from SNellis re: current status of the B&W tap-in status situation as PADER received application for discharge of waste from Parks Township (2 pages)
32.	03/31/82	Ltr to RCarlson from SNelis re: course of action being pursued to resolve issues on permit application (2 pages)
33.	04/01/82	Ltr to SGiotto from RCarlson re: B&W's laundry Industrial Discharge Permit Application to Kiski Valley (2 pages)
34.	04/30/82	Ltr to RCarlson from SPedersen re: to address a few minor points before termination of discharges (1 page)
35.	11/24/82	Ltr to SGiotto from SNelis re: favors B&W to tap the discharges from Parks Township into the sewer system (1 page)
36.	12/16/82	Ltr to B&W from SGiotto re: KVWPCA approved granting authorization for B&W to tie the two shower drains at Parks Township into sewer system (1 page)
37.	08/15/83	Note to File from WNixon re: Amendment to SNM-145 (1 page)
38.	03/13/85	Ltr to SGiotto from MWigle re: in need of some Apollo information (1 page)
39.	05/16/86	Ltr to B&W from DMcDonald re: second draft permit for Apollo facility (1 page)

**APPENDIX B
(continued)
RECORDS BEING RELEASED IN THEIR ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
40.	10/21/86	Ltr to SGiotto from DCulberson re: authorization to discharge domestic waste from Apollo to main interceptor line for KVVPCA (1 page)
41.	05/24/88	Ltr to JEllam from LRouse re: concern about Beaver Run Dam (1 page)
42.	05/25/88	Ltr to CVirostek from RCunningham re: Beaver Run Dam (1 page)
43.	06/20/88	Ltr from Michele R. Landis, Oak Ridge to Jerry Roth NRC (3 pages)
44.	03/31/89	Ltr from Michele R. Landis, Oak Ridge to Jerry Roth, NRC (2 pages)
45.	02/06/92	Memo to JAustin from JHickey re: request for review of B&W groundwater pathways analysis (1 page)
46.	11/19/92	Ltr to KMcDaniel from WAdams re: cost estimate for Trip 3 of the Confirmatory Survey of the B&W Apollo facility (3 pages)
47.	01/22/93	Ltr from Wade C. Adams ORISE to Jerry Roth NRC (3 pages)
48.	09/29/93	Ltr from Wade C. Adams ORISE to Randy Ragland NRC (7 pages)
49.	11/03/93	Ltr from Wade C. Adams ORISE to Randy Ragland NRC (4 pages)
50.	11/05/93	Ltr from Wade C. Adams ORISE to Randy Ragland NRC (6 pages)
51.	11/10/93	Ltr from Wade C. Adams ORISE to Randy Ragland NRC (2 pages)
52.	12/01/93	Ltr from Wade C. Adams ORISE to Randy Ragland NRC (3 pages)
53.	12/10/93	Ltr from Wade C. Adams ORISE to Randy Ragland NRC (8 pages)
54.	12/10/93	Ltr from Wade C. Adams ORISE to Randy Ragland NRC (30 pages)
55.	01/11/94	Ltr from Wade C. Adams to Randy Ragland (3 pages)
56.	02/08/94	Ltr from Wade C. Admas to Randy Ragland (15 pages)
57.	03/24/94	Pennsylvania Department of Environmental Resources General Inspection Form of the Kiski Valley Water Pollution Control Authority's lagoon ash sampling (11 pages)

**APPENDIX B
(continued)
RECORDS BEING RELEASED IN THEIR ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
58.	04/05/94	Ltr to CSpadaro from MWashko re: radionuclide sampling and analysis of incinerator ash lagoon (20 pages)
59.	04/11/94	Ltr from Wade C. Adams to Randy Ragland (62 pages)
60.	05/23/94	Ltr from Wade C. Adams to Randy Ragland (3 pages)
61.	08/24/94	Ltr to GTripoli from RBores re: NRC request for a sample of incinerator ash from the Kiski Valley Water Pollution Control Authority's Leechburg, Pennsylvania facility (4 pages)
62.	09/08/94	Memo to RBores from MTokar re: responses to allegation file RI-93-A-0228 (4 pages)
63.	11/04/94	E-mail to CYusko, et al from MWeber re: news on Kiski Valley sludge (6 pages)
64.	03/28/95	Ltr from Wade C. Adams to Randy Ragland (6 pages)
65.	06/21/95	Memorandum from Robert J. Bores Region I to Kimberly J. Hardin NMSS (11 pages)
66.	08/22/95	Memorandum from Robert J. Bores to Kimberly J. Hardin NMSS (6 pages)
67.	04/30/96	Ltr to HAstwood from RKossak re: copies of information regarding Apollo, including B&W Industrial Wastewater Agreement (17 pages)
68.	05/28/96	Ltr to DMoser from MLaudeman re: report for analysis of archived ash samples from Kiski Valley Pollution Control Authority Leechburg, PA (21 pages)
69.	07/16/96	Note to File from HAstwood re: Trip Report (2 pages)
70.	07/19/96	Memo to MWeber from JAustin re: Review of final survey reports for Apollo site (2 pages)
71.	10/04/96	Ltr to WKirk from MWeber re: regulatory options for final disposition of sludge ash stored at an ash lagoon operated by KVVPCA (2 pages)

APPENDIX B
(continued)
RECORDS BEING RELEASED IN THEIR ENTIRETY

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
72.	11/12/96	Ltr to PAmeno from DOrlando re: response to questions and requests on decommissioning of B&W Parks Township facility (6 pages)
73.	01/17/97	Commission Paper, SECY-97-015, re: removal of the B&W Apollo site from the Site Decommissioning Management Plan (21 pages)
74.	04/14/97	Notice of termination of License SNM-145 for B&W Apollo site and release of the property for unrestricted use (5 pages)
75.	10/01/97	Memo to CSeelig from JHickey re: Data for future budgets (3 pages)
76.	03/17/98	Ltr to RNeel from WAdams re: Review of Characterization Survey Results for the Ash Lagoon and Sampling Design for KVVPCA (11 pages)
77.	08/06/98	Ltr to RNelson from TAdams re: request to use B. Koh & Assocs mobile gamma spectroscopy laboratory for analysis of the Kiski Valley Sewage Treatment Plant Lagoon Samples (10 pages)
78.	08/19/98	Ltr to RNelson from TAdams re: shipment of Kiski Valley Sewage Treatment samples to B. Koh & Assocs mobile laboratory (3 pages)
79.	09/24/87	Ltr to VStello to CVirostek re: getting a response to her concerns (6 pages)
80.	09/26/87	Ltr to VStello from CVirostek re: a response to her concerns (3 pages)
81.	02/12/88	Ltr to VStello from VTrozzi re: how much uranium has NUMEC imported (1page)

**APPENDIX C
RECORDS BEING WITHHELD IN THEIR ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	02/17/78	Rev O to decommissioning plans, App I (17 pages) EX. 4
2.	04/26/79	Amend to MPP-1 of Licenses SNM-145 & SNM-414 (1 page) EX. 4
3.	05/29/80	Memo to NHaller fm CMichelson re: Proposed AO determination for 11/15/79 event at B&W Apollo facility (1 page) EX. 5
4.	08/22/80	Comments on revised fundamental nuclear matl control plan (7 pages) EX. 4
5.	06/30/94	Memo to RPierson fm JAustin re: Technical Assistance Request to review ORISE draft report on Confirmatory Survey of Apollo Office Bldg. (3 pages) EX. 5
6.	12/21/94	Memo to RPierson fm FCombs re: Technical Assistance Request on B&W discharges of radioactive materials to the Kiski Valley Sewage Treatment Plant (4 pages) EX. 5
7.	08/02/96	Memo to MWeber fm JAustin re: Comments on Parks Township Environmental Impact Statement (6 pages) EX. 5